



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. AM100123)

<i>In re</i> Patent Application of:)	Appln. No.: 09/840,485
)	Confirmation No.: 5730
ROCKY B. BIGBIE <i>et al.</i>)	Customer No.: 25291
)	Group Art Unit: 1645
Filed: 04/23/2001)	Examiner: Virginia Allen Portner
)	
For: EQUINE PROTOZOAL)	
MYELOENCEPHALITIS VACCINE)	

SECOND AMENDMENT AFTER FINAL REJECTION
PURSUANT TO 37 C.F.R. § 1.116

Dear Sir:

Responsive to the Advisory action mailed June 9, 2006, please amend the above-referenced patent application using the following instructions and consider the remarks in a favorable light:

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In accord with 37 C.F.R. § 1.121, the proposed amendment to the claims and a complete listing of all pending claims in the application begin on a separate sheet. Only the claim number and status indicate the canceled claims. The amendment adds no new matter into the application. For the convenience of the Office staff, the amendment is placed in the below Appendix and incorporated herein by reference thereto.

Although Applicants respectfully disagree with the merits of the rejections being maintained, the pending claims have been amended for the better readability thereof and new Claims 26-41 have been added in a good faith attempt to overcome the rejections and to expedite matters. While Applicants appreciate that they cannot amend the finally rejected claims as a matter of right, they believe that the present amendment may place the application in condition for an immediate allowance.

In particular, the amendment adopts the Examiner's kind recommendation that claims limited to the deposited strain would define over the prior art of record. Because the amendment is a direct response to the Advisory Action of June 9, 2006 and deals with issues already

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